

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. <u>03-366</u>
v.	:	DATE FILED: _____
FRANK DAVIS	:	VIOLATIONS: 21 U.S.C. § 846
	:	(Conspiracy to manufacture and
	:	distribute methamphetamine and to
	:	distribute phenyl-2-propanone -
	:	1 count)
	:	21 U.S.C. § 841 (a)(1)
	:	(Distribution of methamphetamine -
	:	4 counts)
	:	18 U.S.C. § 1956(a)(1)(B)(i)
	:	(Money laundering -
	:	4 counts)
	:	18 U.S.C. § 2
	:	(Aiding and abetting)
	:	21 U.S.C. § 853
	:	(Notice of criminal forfeiture)
	:	(Notice of prior conviction)

S U P E R S E D I N G I N D I C T M E N T

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. From in or about 1994 to in or about June 2003, at Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

FRANK DAVIS

knowingly and intentionally conspired and agreed with other persons known and unknown to the grand jury, including John Goodwin, James Conway, Paul Vecchione, James O'Malley, James Staab, James Dungan, and Scott Genay, each charged elsewhere, to knowingly and intentionally

manufacture and distribute more than one kilogram of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, and to distribute phenyl-2-propanone ["P2P"], a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

MANNER AND MEANS

1. It was part of the conspiracy that defendant FRANK DAVIS and other persons known and unknown to the grand jury, including John Goodwin, manufactured and aided and abetted the manufacture of over 300 pounds of methamphetamine at clandestine laboratories located at 3015 Jasper Street, Philadelphia, Pennsylvania and elsewhere.

It was further part of the conspiracy that:

2. Defendant FRANK DAVIS provided gallon quantities of phenyl-2-propanone ["P2P"], a precursor used in the manufacture of methamphetamine, to John Goodwin, and requested that Goodwin use his residence and adjacent garage at 3015 Jasper Street, Philadelphia, Pennsylvania as a place to clandestinely manufacture more than 150 pounds of methamphetamine for sale and distribution for profit in the Eastern District of Pennsylvania and elsewhere .

3. Defendant FRANK DAVIS and coconspirators of defendant FRANK DAVIS, including Paul Vecchione, James Staab and James O'Malley, and others unknown, obtained and caused to be obtained multi-gallon quantities of phenyl-2-propanone ["P2P"], and monomethylamine ["methylamine," "water," and "40"], precursors used in the illicit manufacture of methamphetamine, and supplied them to John Goodwin for use in the clandestine manufacture of methamphetamine in the residence and adjacent garage at 3015 Jasper Street, Philadelphia, Pennsylvania and elsewhere.

4. John Goodwin, with assistance from James Conway, from 1995 through 1998, manufactured and aided and abetted the manufacture of methamphetamine at the 3015 Jasper Street, Philadelphia clandestine laboratory site, processing from one to several gallons of P2P at a time, resulting in yields of approximately 10 to 100 pounds of "pure" methamphetamine per "cook."

5. John Goodwin supplied the "pure" methamphetamine he manufactured at the 3015 Jasper Street clandestine laboratory to defendant FRANK DAVIS, who diluted or "cut" the "pure" methamphetamine on a "one-to-one" basis, effectively doubling the quantity of methamphetamine available for sale and distribution.

6. Defendant FRANK DAVIS sold and distributed methamphetamine in single pound to forty (40) pound amounts for profit to other persons, including James Dungan, Scott Genay, each charged elsewhere, and others unknown to the grand jury.

7. Defendant FRANK DAVIS received payments from his distributors of methamphetamine, including James Dungan and Scott Genay, of \$11,000 to \$12,000 per pound of methamphetamine DAVIS provided to them for sale and further distribution.

8. Defendant FRANK DAVIS received payments from John Goodwin for gallon and multi-gallon quantities of P2P furnished by DAVIS to Goodwin for use in the clandestine manufacture of methamphetamine.

9. John Goodwin, using a "P2P/aluminum reduction reaction" methamphetamine manufacturing process, was able to obtain a yield of 10 to 13 pounds of methamphetamine per gallon of P2P processed at the 3015 Jasper Street clandestine laboratory.

10. John Goodwin maintained and used an electric shredder at the 3015 Jasper Street, Philadelphia premises to shred aluminum foil, a substance which is used in the "P2P-aluminum

reduction reaction” method of manufacturing methamphetamine used at the 3015 Jasper Street clandestine laboratory.

11. John Goodwin maintained on the clandestine laboratory premises at 3015 Jasper Street, Philadelphia, Pennsylvania, a scale, a container of shredded aluminum foil, an electronic thermometer, assorted glassware, pots and pans, all of which were used in the clandestine manufacture of methamphetamine at the premises.

12. Defendant FRANK DAVIS and James Conway and John Goodwin transported to, maintained, stored and kept at several locations, including the premises at 1315 N. 2nd Street, Philadelphia, Pennsylvania, two gallons of P2P and 20 gallons of monomethylamine, all chemicals used in the production of methamphetamine, and numerous pounds of finished methamphetamine, laboratory glassware and equipment.

13. Defendant FRANK DAVIS transferred to his methamphetamine distributors, including James Dungan, Scott Genay and others, at 2620 and 2622 Braddock Street, in Philadelphia, Pennsylvania, at Shannon's Bar, 2672 Coral Street, Philadelphia, Pennsylvania, at the Crazy Leprechaun Bar, 3589 Richmond Street, in Philadelphia and elsewhere, possession of various quantities of methamphetamine ranging at times from one pound to 40 pounds.

14. Defendant FRANK DAVIS received from his methamphetamine distributors, including James Dungan, Scott Genay and others, in Upper Bucks County, Pennsylvania, in the 2600 block of Braddock Street, in Philadelphia, at the Crazy Leprechaun Bar, 3589 Richmond Street, in Philadelphia, and elsewhere, cash payments for methamphetamine he supplied.

15. Defendant FRANK DAVIS threatened and attempted to intimidate potential witnesses to his drug trafficking activities, and attempted to corruptly persuade and coerce witnesses not to cooperate with law enforcement authorities by making threats of physical harm.

16. Defendant FRANK DAVIS threatened to have one or more distributors of methamphetamine he supplied shot, killed or otherwise physically harmed for failing to timely make payment of money owed to DAVIS for methamphetamine he had supplied.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its objects, the following overt acts, among others, were committed in the Eastern District of Pennsylvania:

1. In or about 1994, defendant FRANK DAVIS began receiving pound quantities of methamphetamine from coconspirator John Goodwin for sale and further distribution.

2. In or about 1995, defendant FRANK DAVIS sold and distributed two gallons of phenyl-2-propanone ["P2P"] to John Goodwin for use in the manufacture of methamphetamine.

3. In or about 1995, defendant FRANK DAVIS offered to supply quantities of methamphetamine to Charles Campbell, charged elsewhere, for sale and further distribution by Charles Campbell.

4. In or about 1997, defendant FRANK DAVIS provided approximately 10 gallons of P2P to John Goodwin for use in the clandestine manufacture of methamphetamine, which was intended for sale and further distribution for profit.

5. In or about 1997, John Goodwin manufactured approximately 100 pounds of "pure" methamphetamine at 3015 Jasper Street, Philadelphia, Pennsylvania, which methamphetamine was intended for sale and distribution by FRANK DAVIS, using 10 gallons of P2P provided by defendant FRANK DAVIS.

6. In or about 1997, defendant FRANK DAVIS and John Goodwin, using a van, transported approximately 100 pounds of "pure" methamphetamine that had been manufactured at 3015 Jasper Street, Philadelphia, Pennsylvania, from the vicinity of the 3015 Jasper Street

premises to a residence at 2332 Letterly Street, Philadelphia, Pennsylvania owned by the wife of defendant FRANK DAVIS.

7. On or about April 9, 1997, John Goodwin had inside the garage and residence at 3015 Jasper Street, Philadelphia, Pennsylvania, residues of finished methamphetamine, together with empty containers and containers with trace amounts of the following precursors and substances used in the clandestine manufacture of methamphetamine: mercuric chloride, P2P, isopropanol and hydrochloric acid.

8. On or about April 9, 1997, John Goodwin possessed at 3015 Jasper Street, Philadelphia, Pennsylvania, approximately four gallon jugs each containing a liquid residue that field tested positive for P2P.

9. In or about early April 1997, John Goodwin loaded approximately 100 pounds of "pure" methamphetamine, methamphetamine manufacturing equipment and precursors into a van located adjacent to 3015 Jasper Street, Philadelphia, Pennsylvania following completion of a methamphetamine "cooking" operation.

10. In or about mid-April 1997, defendant FRANK DAVIS and James Conway removed approximately 75 pounds of "pure" methamphetamine from the above-described van which had since been relocated to 2332 Letterly Street in Philadelphia, Pennsylvania, and then moved the van to a rented garage on Haggert Street in Philadelphia, Pennsylvania for temporary storage.

11. In or about the spring or summer of 1997, defendant FRANK DAVIS purchased approximately five gallons of P2P for approximately \$175,000 from Paul Vecchione and James O'Malley, through the services of James Staab, who acted as an intermediary.

12. In or about the summer of 1997, defendant FRANK DAVIS sold and distributed to James Dungan approximately one pound of methamphetamine for a price of \$11,500.

13. In or about the fall of 1997, defendant FRANK DAVIS sold and distributed to James Dungan approximately eight pounds of methamphetamine for an agreed price of approximately \$100,000.

14. In or about December 1997, defendant FRANK DAVIS sold and distributed to John Goodwin approximately one gallon of P2P, and, in return, received approximately \$35,000 from John Goodwin.

15. In or about December 1997, defendant FRANK DAVIS provided and distributed to John Goodwin approximately two gallons of P2P, in return for Goodwin's promise to manufacture methamphetamine using the P2P supplied, and to deliver approximately 25 pounds of "pure" methamphetamine to DAVIS in payment for the P2P DAVIS had supplied.

16. In or about December 1997, John Goodwin delivered approximately 25 pounds of "pure" methamphetamine to defendant FRANK DAVIS in Philadelphia, Pennsylvania.

17. In or about late December 1997, defendant FRANK DAVIS sold and distributed approximately 24 pounds of methamphetamine to James Dungan in Philadelphia, Pennsylvania for an agreed price of approximately \$250,000.

18. In or about late December 1998, defendant FRANK DAVIS sold and distributed approximately 30 to 40 pounds of methamphetamine to James Dungan in Philadelphia, Pennsylvania for an agreed price of approximately \$500,000.

19. In or about June 1999, James Dungan possessed in Bucks County, Pennsylvania, approximately \$166,000 in United States currency and approximately 14 pounds of

methamphetamine, which was part of the 30-40 pounds of methamphetamine previously supplied to Dungan by defendant FRANK DAVIS.

20. In or about the summer of 1999, defendant FRANK DAVIS met with James Dungan and received approximately \$20,000 in cash from Dungan in a partial payment for the methamphetamine DAVIS had previously supplied.

21. In or about 1999, defendant FRANK DAVIS met with James Dungan on a second occasion and received an additional sum of at least \$30,000 in cash from Dungan in partial payment for the methamphetamine DAVIS had previously supplied.

22. In or about the fall of 1999, defendant FRANK DAVIS distributed on credit approximately 10 pounds of methamphetamine to Scott Genay in Philadelphia, Pennsylvania for an agreed price of approximately \$110,000.

23. In or about the fall of 2001, defendant FRANK DAVIS distributed on credit approximately 27 pounds of methamphetamine to Scott Genay in Philadelphia, Pennsylvania for an agreed price of approximately \$300,000.

24. In or about January 2002, defendant FRANK DAVIS met with the fiancée of James Dungan and attempted to persuade her to accept \$60,000 in cash from him to be used as bail money to obtain the release of Dungan from pretrial confinement.

25. In or about July 2002, defendant FRANK DAVIS again met with the fiancée of James Dungan, demanded to know whether Dungan was cooperating with law enforcement authorities, threatened to have Dungan killed, and demanded that Dungan pay him the additional \$300,000 to \$400,000 owed to him for methamphetamine he (DAVIS) had previously supplied.

26. In or about early June 2003, during a discussion about the methamphetamine debt owed by Scott Genay, defendant FRANK DAVIS stated that he would have to have “somebody

come down and put a hole in you,” if Genay failed a second time to complete payment for methamphetamine DAVIS had supplied.

27. In or about early June 2003, one day after the events described in paragraph 26 above, defendant FRANK DAVIS distributed on credit approximately 7 pounds of methamphetamine to Scott Genay at Richmond and Ann Streets in Philadelphia, Pennsylvania for an agreed price of approximately \$80,000.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

In or about late December 1998, at Philadelphia, in the Eastern District of Pennsylvania,
defendant

FRANK DAVIS

knowingly and intentionally distributed more than 500 grams, that is, approximately 30 to 40
pounds, of a mixture or substance containing a detectable amount of methamphetamine, a
Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

In or about the fall of 1999, at Philadelphia, in the Eastern District of Pennsylvania,
defendant

FRANK DAVIS

knowingly and intentionally distributed more than 500 grams, that is, approximately 10 pounds, of
a mixture or substance containing a detectable amount of methamphetamine, a Schedule II
controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

In or about the fall of 2001, at Philadelphia, in the Eastern District of Pennsylvania,
defendant

FRANK DAVIS

knowingly and intentionally distributed more than 500 grams, that is, approximately 27 pounds, of
a mixture or substance containing a detectable amount of methamphetamine, a Schedule II
controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

In or about early June 2003, at Philadelphia, in the Eastern District of Pennsylvania,
defendant

FRANK DAVIS

knowingly and intentionally distributed more than 500 grams, that is, approximately 7 pounds, of
a mixture or substance containing a detectable amount of methamphetamine, a Schedule II
controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

1. On or about November 6, 1998, at Philadelphia, in the Eastern District of Pennsylvania and elsewhere, defendant

FRANK DAVIS

did knowingly conduct, and did aid, abet and willfully cause the conducting of, a financial transaction affecting interstate commerce, that is, the purchase and acquisition of a 1995 Buick Riviera automobile, VIN 1G4G02212S4723358, in the name of a straw party, M. T., by payment of \$11,000.00 to Beneficial Savings Bank, representing the balance of payment due on the purchase of the above-described 1995 Buick Riviera automobile .

2. When conducting, aiding, abetting and willfully causing the conducting of this financial transaction, defendant FRANK DAVIS knew that the property involved represented the proceeds of some form of unlawful activity.

3. The financial transaction described in paragraph 1 above involved the proceeds of specified unlawful activity, that is, conspiracy to manufacture and distribute methamphetamine and to distribute P2P, Schedule II controlled substances, and the distribution of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 846 and 841(a)(1), and defendant FRANK DAVIS acted, knowing that the transaction was designed in whole or in part to conceal and disguise the source, the ownership and the control of the proceeds of the specified unlawful activity.

In violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

1. On or about May 7, 1999, at Philadelphia, in the Eastern District of Pennsylvania and elsewhere, defendant

FRANK DAVIS

did knowingly conduct, and did aid, abet and willfully cause the conducting of, a financial transaction affecting interstate commerce, that is, the purchase, acquisition and titling of a 1998 Cadillac Eldorado automobile, VIN 1G6EL12YXWU611504, in the name of a straw party, M. T., by payment of \$6,485.00 to T & A Used Car Sales, representing the balance of payment due on the purchase of the above-described 1998 Cadillac Eldorado automobile.

2. When conducting, aiding, abetting and willfully causing the conducting of this financial transaction, defendant FRANK DAVIS knew that the property involved represented the proceeds of some form of unlawful activity.

3. The financial transaction described in paragraph 1 above involved the proceeds of specified unlawful activity, that is, conspiracy to manufacture and distribute methamphetamine and to distribute P2P, Schedule II controlled substances, and the distribution of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 846 and 841(a)(1), and defendant FRANK DAVIS acted, knowing that the transaction was designed in whole or in part to conceal and disguise the source, the ownership and the control of the proceeds of the specified unlawful activity.

In violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

1. From on or about October 7, 1999 to on or about October 11, 1999, at Philadelphia, in the Eastern District of Pennsylvania and elsewhere, defendant

FRANK DAVIS

did knowingly conduct, and did aid, abet and willfully cause the conducting of, a financial transaction affecting interstate commerce, that is, the purchase, acquisition and titling of a 2000 Cadillac Deville DHS automobile, VIN 1G6KE57Y5YU168596, in the name of a straw party, M. T., by payment of \$11,661.50 to DeSimone Cadillac, representing the balance of payment due on the purchase of the above-described 2000 Cadillac Deville DHS.

2. When conducting, aiding, abetting and willfully causing the conducting of this financial transaction, defendant FRANK DAVIS knew that the property involved represented the proceeds of some form of unlawful activity.

3. The financial transaction described in paragraph 1 above involved the proceeds of specified unlawful activity, that is, conspiracy to manufacture and distribute methamphetamine and to distribute P2P, Schedule II controlled substances, and the distribution of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 846 and 841(a)(1), and defendant FRANK DAVIS acted, knowing that the transaction was designed in whole or in part to conceal and disguise the source, the ownership and the control of the proceeds of the specified unlawful activity.

In violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT:

From on or about September 13, 2000 to on or about November 21, 2000, at Philadelphia, in the Eastern District of Pennsylvania and elsewhere, defendant

FRANK DAVIS

did knowingly conduct, and did aid, abet and willfully cause the conducting of, a financial transaction affecting interstate commerce, that is, the purchase, acquisition and titling of a 2001 Cadillac Deville DTS automobile, VIN 1G6KF57931U176787, in the name of a straw party, M. T., by payment of \$8,076.20 to DeSimone Cadillac, representing the balance of payment due on the purchase of the above-described 2001 Cadillac Deville DTS.

2. When conducting, aiding, abetting and willfully causing the conducting of this financial transaction, defendant FRANK DAVIS knew that the property involved represented the proceeds of some form of unlawful activity.

3. The financial transaction described in paragraph 1 above involved the proceeds of specified unlawful activity, that is, conspiracy to manufacture and distribute methamphetamine and to distribute P2P, Schedule II controlled substances, and the distribution of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 846 and 841(a)(1), and defendant FRANK DAVIS acted, knowing that the transaction was designed in whole or in part to conceal and disguise the source, the ownership and the control of the proceeds of the specified unlawful activity.

In violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2

NOTICE OF PRIOR CONVICTION

Defendant FRANK DAVIS committed the offenses charged in Counts One and Two of this Indictment after having been convicted in a court of the Commonwealth of Pennsylvania of the following felony drug offense:

1. Manufacture/Delivery/Possession with Intent to Deliver a Controlled Substance, a felony - Philadelphia CP #8801-1455.

NOTICE OF FORFEITURE

1. As a result of the violations of Title 21, United States Code, Sections 846 and 841(a)(1), as set forth in Counts One and Two of this Indictment, defendant

FRANK DAVIS

shall forfeit to the United States of America pursuant to Title 21, United States Code, Section 853, the following property:

(a) Any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of the violations of Title 21, United States Code, as charged in this Indictment;

(b) Any property constituting, or derived from, any proceeds obtained directly or indirectly as a result of the violations of Title 21, United States Code, as charged in this Indictment; such property to include but not be limited to: 1) the sum of \$3,000,000 in United States currency ; 2) the premises known as 1332 Montgomery Avenue, Philadelphia, Pennsylvania, as described in Philadelphia County Deed Book JTD, page 455; 3) a 1995 Buick Riviera automobile, VIN 1G4G02212S4723358; 4) a 1998 Cadillac Eldorado automobile, VIN 1G6EL12YXWU611504; 5) a 2000 Cadillac Deville DHS automobile, VIN 1G6KE57Y5YU168596; 6) a 2001 Cadillac Deville DTS automobile, VIN 1G6KF57931U176787; 7) a 2002 Cadillac DTS, VIN 1G6KF57922U202491; and 8) a 2003 Chevrolet Corvette convertible, VIN 1G1YY32G935113601.

2. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant FRANK DAVIS,

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney